

U.S. Patent Appln. No. 09/923,506
Amendment Dated Jan. 6, 2006
Reply to Office Action of October 6, 2005
Docket No. BOC9-2001-0006 (241)

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated October 6, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

Claims 1, 3-5, 7-9 and 11-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,732,176 to Stewart, *et al.* (hereinafter Stewart). Claims 2, 6 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of U.S. Patent No. 6,751,455 to Acampora (hereinafter Acampora).

Applicants have amended independent Claims 1, 5, 9, and 13 to emphasize certain aspects of Applicants' invention. The claim amendments, as discussed herein, are fully supported throughout the Specification and do not introduce new matter. (See, e.g., Specification, p. 2, lines 11-17 and p. 15, lines 3-16.)

I. Applicants' Invention

Prior to addressing the cited references, it may be helpful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is an Application Service Provider delivery method. The method can include providing a short-range radio frequency communications system that includes a host computing device connected to a computer communications network over a physical communications link medium. The system, moreover, can be configured both to provide Application Service Provider services over short-range radio communications links to wireless devices in a personal area network (PAN), as well as receive Application Service Provider services from other Application Service Providers in the computer communications network over the physical communications link medium.

As defined in the Specification and explicitly recited in each of the amended claims, an Application Service Provider service comprises a plurality of different software

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programs or applications that, according to the invention, are accessed by or delivered to a user in non-conventional ways. Such software programs or applications are often times referred to as "apps-on-tap" because they are not distributed to users as "shrink-wrapped client applications" or in another conventional manner (Specification, p. 2, lines 11-17.)

The Application Service Provider delivery method according to Applicants' invention allows a user of a wireless device to select one or more such software programs. Each such program is distinct from the applications that are utilized to provide wireless access and/or roaming with respect to a communications network. Instead, the software programs that make up the Application Service Provider services can be, for example, business or entertainment applications unrelated to network accessing or roaming. (See, e.g., Specification, p. 15, lines 3-16; see also p. 2, lines 15-17.) According to one embodiment, the wireless device user who has selected a particular software program utilizes or otherwise interacts with the software program over the wireless communications link as the program executes on a host computing device. Alternatively, according to a different embodiment, the wireless device user selects a particular application that is then delivered to the wireless device via the wireless communications link.

Accordingly, the Application Service Provider delivery method can further include establishing a short-range radio communications link with a wireless device in said PAN, and receiving requests for selected Application Service Provider services from the wireless device. The method also can include determining if the host computing device can provide the requested Application Service Provider services without requiring further assistance from another Application Service Provider. If not, the host computing device retrieves the requested Application Service Provider services from another Application Service Provider over said physical communications link medium.

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II. The Claims Define Over The Prior Art

As already noted, independent Claims 1, 5, 9, and 13 were deemed unpatentable over Stewart. Applicants respectfully contend, however, that Stewart fails to expressly or inherently teach every feature recited in independent Claims 1, 5, 9, and 13, as amended.

Stewart is directed to a system and related methods "for providing access and/or roaming features on a distributed network system." (Col. 2, lines 6-8; see also Abstract.) One aspect of Stewart is a plurality of "wireless access points (APs)" through which a wireless device user can access a computer communications network. (Col. 2, lines 9-19; see also Col. 5, lines 3-35.) Stewart provides a "list of identification information that maps to a corresponding list of [a] plurality of possible network providers" and "access information." (Col. 2, line 60 - Col. 3, line 6; see also Col. 6, lines 15-28.) The access information includes "access methods" by which a wireless device user, identified as a "subscriber" based on the identification information, can identify an appropriate network provider for gaining access to the network through one of the APs. (Col. 3, lines 35-54; see also Col. 6, line 60 - Col. 7, line 3.) A primary objective of Stewart's system is to afford subscribers the ability to "roam" between "various networks" that are "maintained" by different network providers. (Col. 3, line 55 - Col. 4, line 6; see also Col. 10, line 8 - Col. 12, line 46.)

Applicants' invention relies on the establishing of wireless communications links between a wireless device and a host computing device connected to a computer communications network. But whereas this is the entire focus of Stewart, Applicants' invention utilizes established wireless communications links in ways that Stewart does not contemplate. Specifically, Applicants' invention utilizes a communications network and wireless link to the network to provide a wireless device user access to software programs that are unrelated to any applications for providing network access and/or roaming.

Applicants' invention provides "Applications Service Provider services" to the user of a wireless device. As already noted, such services comprise a plurality of different

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software programs that are delivered to or accessed by the wireless device user upon the user's selection of one or more of the software programs. The software programs from among which a user selects, according to Applicants' invention, have nothing to do with applications needed to establish a communications link or permit roaming within a wireless network, which is the entire focus of Stewart. The software programs that comprise the Application Service Provider services of Applicants' invention can be business-related, entertainment-related, or some other type of software program unrelated to applications that provide network access and/or roaming features. (See, e.g., Specification, p. 15, lines 3-16.)

Applicants' invention provides something that Stewart does not even suggest: allowing a wireless device user to access, over a wireless communications link, a plurality of different software programs that are wholly unrelated to applications for network accessing and/or roaming. The software programs can execute on a host computing device, for example, as recited in amended independent Claim 5. The wireless communications device user can interact with the programs over a wireless communications link, for example, as recited in amended independent Claim 5. Alternatively, one or more of the soft programs can be delivered to a wireless device user over a wireless communications link, as recited in amended independent Claims 9 and 13. In every case, however, Applicants' invention provides access to multiple software programs that do not relate to network accessing and/or roaming. This feature is not contemplated by Stewart, which as already noted is exclusively focused on providing networking access and/or roaming. Stewart does not provide a wireless device user access over a wireless communications link access to different software applications unrelated to network accessing and/or roaming.

Accordingly, Stewart fails to teach, either expressly or inherently, every feature recited in amended Claims 1, 5, 9, and 13. Applicants respectfully submit, therefore, that amended independent Claims 1, 5, 9, and 13 each define over the prior art. Applicants

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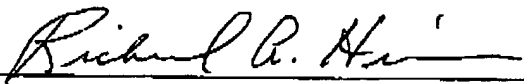
further respectfully submit that whereas each of the dependent claims depends from one of the amended independent claims while reciting additional features, Claims 2-4, 6-8, 10-12, and 14.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: January 6, 2006


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